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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

7 RAJU T. DAHLSTROM,

8 Plaintiff,

9 v.

10 UNITED STATES OF AMERICA, *et al.*,

11 Defendants.
12

Case No. C16-1874RSL


ORDER DENYING MOTION TO
ALTER OR AMEND JUDGMENT

13 On November 4, 2019, the Court dismissed plaintiff's wrongful discharge claim
14 against the United States, finding that the Sauk-Suiattle Indian Tribe was not a federal
15 actor for purposes of its employment decisions regarding plaintiff, making the waiver of
16 sovereign immunity contained in the Federal Tort Claims Act ("FTCA") inapplicable.
17 Plaintiff filed a timely motion to amend or alter the judgment (Dkt. # 118) in which he
18 again asserts that, in his role as the Tribe's Health & Social Service Director, he was
19 carrying out work encompassed by a federal contract or agreement under the Indian Self-
20 Determination and Education Assistance Act of 1975 ("ISDEAA").

21 The fact that a Tribal employee filling the role of Health and Social Service
22 Director could be deemed an employee of the Bureau of Indian Affairs ("BIA") for
23 purposes of the FTCA is irrelevant, however. The issue for purposes of the sovereign
24 immunity analysis is whether the alleged tortfeasor - not the injured party - was carrying
25 out the contract when it decided to terminate plaintiff's employment. Because plaintiff
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1 has not shown that the Tribal Council was performing functions under an ISDEAA
2 contract when it terminated plaintiff's employment, the Tribal Council is not "deemed" to
3 be an employee of the BIA and the FTCA's waiver of sovereign immunity does not
4 apply. Plaintiff's motion to alter or amend the judgment in this matter is DENIED.
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6 Dated this 4th day of December, 2019.

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8 Robert S. Lasnik
United States District Judge
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